

Notice of Allowability

Application No.

10/029,464

Applicant(s)

BEST-DEVEREUX, IGOR

Examiner

Robert D. Rines

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 21 August 2007 and the Examiner Initiated Interview of 9/20/07.
2. ☒ The allowed claim(s) is/are 1-12,40-48,51 and 52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9/20/07
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

Notice to Applicant/Notice of Allowance

[1] This communication is in response to the amendment filed 21 August 2007 and the Personal Interview conducted on 20 September 2007. Claims 22-39 and 49-50 have been cancelled. Claim 52 has been added. Claims 1 and 40 have been amended. Claims 1-12, 40-48, 51 and 52 are allowed.

EXAMINER'S AMENDMENT

[2] An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

[3] Authorization for this examiner's amendment was given in an in person interview with Jens Jenkins, Reg. # 44,803 on 20 September 2007.

[4] The application has been amended as follows:

Claims 22-39 and 49-50 have been cancelled.

Please amend the title to read:

Method and Computer-Readable Medium for Negotiating Reinsurance for a Risk

[5] Please amend claims 1 and 40 as follows (full text of the amended claims appears below):

1. A method implemented by a host system that exists within a network that includes a host system interposed between a cedent and a plurality of assumers, wherein a negotiation for reinsurance of a risk is conducted through various stages of negotiation between the cedent and the plurality of assumers, a method for the host system facilitating the negotiation for reinsurance of a risk, comprising:

the host system receiving a submission of a risk for reinsurance from a cedent, the submission including a risk record describing the origin of the risk for which reinsurance is being sought, the risk record constructed from cedent collected information entered by the cedent into the system based on the cedent's association with the risk;

the host system conveying the submission to a plurality of assumers of reinsurance risks;

Art Unit: 3626

the host system receiving one or more responses to the submission from one or more of the plurality of assumers to whom the submission was conveyed, the received responses indicative of one or more assumers that are interested in negotiating for reinsurance of the risk;

the host system conveying the received responses to the cedent;

the host system receiving at least one negotiation reply from the cedent in response to the conveyed responses from one or more of the plurality of assumers;

the host system storing the submission, the one or more responses and the at least one additional negotiation at the host system;

the host system providing an interface for viewing a negotiation history that includes the stored submission, the one or more responses and the at least one additional negotiation that are exchanged during the various stages of the negotiation and that are stored at the host system, wherein the interface further includes selectable options for enabling the cedent to accept, counter offer, or refuse the one or more responses from the plurality of assumers; and

the host system concluding the negotiation such that the risk is either bound or the negotiation is terminated without binding the risk.

Art Unit: 3626

40. A computer program product for implementing, in a network system, that includes a cedent and a plurality of assumers and also includes a processing device for receiving and conveying the data, a method for facilitating negotiations for reinsurance of a risk, the computer program product comprising:

a computer-readable storage medium carrying computer-executable instructions for implementing the method comprising:

the host system receiving a submission of a risk for reinsurance from a cedent, the submission including a risk record describing the origin of the risk for which reinsurance is being sought, the risk record constructed from cedent collected information entered by the cedent into the system based on the cedent's association with the risk;

the host system conveying the submission to a plurality of assumers of reinsurance risks;

the host system receiving one or more responses to the submission from one or more of the plurality of assumers to whom the submission was conveyed, the received responses indicative of one or more assumers that are interested in negotiating for reinsurance of the risk;

the host system conveying the received responses to the cedent;

Art Unit: 3626

the host system receiving at least one negotiation reply from the cedent in response to the conveyed responses from one or more of the plurality of assumers;

the host system storing the submission, the one or more responses and the at least one additional negotiation at the host system;

the host system providing an interface for viewing a negotiation history that includes the stored submission, the one or more responses and the at least one additional negotiation that are exchanged during the various stages of the negotiation and that are stored at the host system, wherein the interface further includes selectable options for enabling the cedent to accept, counter offer, or refuse the one or more responses from the plurality of assumers; and

the host system concluding the negotiation such that the risk is either bound or the negotiation is terminated without binding the risk.

REASONS FOR ALLOWANCE

[6] The following is an examiner's statement of reasons for allowance:

Independent claims 1, 40, and 52

The prior art of record neither anticipates nor provides fair and reasonable rationale to define A method implemented by a host system comprising: the host system receiving a submission of a risk for reinsurance from a cedent, the submission including a record describing the origin of the risk and the submission constructed from cedent collected information entered into the system based on the cedent's association with the risk; the host system conveying the submission to a plurality of assumers of reinsurance risks; the host system receiving one or more responses, the responses indicative of one or more assumers that interested in negotiating for reinsurance of the risk; the host system conveying the received responses to the cedent; the host system receiving at least one negotiation reply from the cedent; the host system storing the submission, the one or more responses and the at least one additional negotiation, the host system providing an interface for viewing a negotiation history that includes the stored submission, the one or more responses, and the at least one additional negotiation that are exchanged during the stages of negotiation, the interface including selectable options enabling the cedent to accept, counter offer, or refuse the responses; and the host system concluding the negotiation such that the risk is either bound or negotiation is terminated without binding the risk.

Applicant's remarks filed in the amendment filed 21 August 2007 are compelling and commensurate with both the original disclosure and the claims as amended.

The most closely applicable prior art of record is referred to in the Office Action mailed 30 May 2007 as Klaus (United States Patent # 7,080,020). Klaus discloses a system-enabled method that provides for reinsurance selling and placement between a reinsurer and multiple primary insurers (i.e., cedents).

While Klaus is similar to the instant application in many respects, there are clear patentable distinctions. Initially, Klaus is directed to facilitating transactions between a single reinsurer and multiple cedent entities. As per the Klaus disclosure, a reinsurer determines its reinsurance capacity and posts the capacity to multiple cedents. The cedents subsequently submit their portfolios including underwriting criteria for review and/or acceptance by the reinsurer. In contrast, the instant invention is directed to a host system that facilitates a single cedent entity posting a portfolio of insurance policies for negotiation with multiple assumers/reinsurers. As correctly noted by Applicant in the remarks filed 21 August 2007, this is the opposite configuration disclosed by Klaus. While certain configurations of Klaus can serve to facilitate a one to one transaction between a cedent and a reinsurer, Klaus fails to disclose "the host system conveying the submission to a plurality of assumers of reinsurance risks".

Also correctly noted by Applicant in the remarks filed 21 August 2007, Klaus does not teach "the host system providing an interface for viewing a negotiation history..." nor does Klaus teach "...the interface further includes selectable options for enabling the cedent to accept, counter offer, or refuse the one or more responses from the plurality of assumers".

Examiner would like to add an additional comment related to the inclusion of the teachings of Sweeney et al. (United States Patent Application Publication # 2002/0032646). As correctly noted by Applicant in the remarks filed 21 August 2007, Sweeney et al. fail to disclose a cedent submitting a risk for reinsurance to a plurality of assumers (reinsurers) wherein the negotiations are managed through a host system. Sweeney further fails to teach an interface including selectable options to accept, refuse, or counter offer in response to a reply from one or more reinsurers.

The above noted features and their respective functions are neither anticipated nor made evident under any fair and reasonable rationale by the teachings of Klaus alone or in combination with Sweeney et al.

One final comment the Examiner would like to add is related to the teachings of Erlanger (United States Patent #6,594,635). Erlanger discloses a system for providing an efficient market for insurance and reinsurance. Like the instant invention, the system disclosed by Erlanger provides for the conveying of a primary insurer's portfolio to multiple reinsurers for reinsurance purposes. However, the system of Erlanger conveys received responses from interested

Art Unit: 3626

reinsurers to the cedent in serial fashion (i.e., one at a time) by an automated priority schedule, which applies matching rules to determine the "best" option for the cedent. In contrast, the instant invention enables the cedent to determine which of the plurality of insurers to pursue negotiations without an automated screening of the candidate reinsurers. Additionally, Erlanger provides no opportunity for further negotiation via the host system once the initial match is made. Accordingly, Erlanger fails to teach "the host system receiving at least one additional negotiation reply from the cedent...". Similarly, Erlanger fails to teach the interface features directed to ongoing negotiations facilitated by the instant invention.

Dependent claims 2-12, 41-43, 44-48, and 51

Claims 2-12, 44-48, and 51 all depend from allowable claim 1 and are allowable for reasons consistent with those identified with respect to claim 1. Claims 41-43 all depend from allowable claim 40 and are allowable for reasons consistent with those identified with respect to claim 40.

[7] Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

[8] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Instant low cost satellite reinsurance., M2 Presswire, Nov 8, 2000.

Chubb to Use eReinsure's Internet Platform For Placement of U.S. Facultative Reinsurance., Business Wire, May 8, 2002, pg. 2302.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D. Rines whose telephone number is 571-272-5585. The examiner can normally be reached on 8:30am - 5:00pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDR



JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600